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Attorneys for Plaintiff Scott Ozaki

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SCOTT OZAKI, Derivatively on Behalf of
ORACLE CORPORATION,

Plaintiff,

v.

LAWRENCE J. ELLISON, SAFRA A. CATZ,
JEFFREY O. HENLEY, MICHAEL J. BOSKIN,
H. RAYMOND BINGHAM, DONALD L.
LUCAS, JEFFREY S. BERG, BRUCE R.
CHIZEN, HECTOR GARCIA-MOLINA, NAOMI
O. SELIGMAN, and GEORGE H. CONRADES,

Defendants,

-and-

ORACLE CORPORATION, a Delaware
corporation,

Nominal Defendant.

Case No. C 11-04493-RS

STIPULATION AND ~~PROPOSED~~
ORDER TO STAY ACTION DURING
PENDENCY OF MEDIATION
EFFORTS

1 WHEREAS, on September 8, 2011, Plaintiff Scott Ozaki ("Plaintiff") commenced the
2 above-captioned derivative action in the United States District Court for the Northern District of
3 California by filing a complaint derivatively on behalf of the Oracle Corporation ("Oracle" or the
4 "Company") against certain of its current and former officers and directors (collectively with
5 nominal defendant Oracle, "Defendants") alleging breaches of fiduciary duties, waste of
6 corporate assets, and unjust enrichment (the "Demand Refused Action");

7 WHEREAS, a related consolidated derivative action styled *In re Oracle Corporation*
8 *Derivative Litigation*, Master File No. C-10-03392-RS, arising out of similar events and
9 involving some of the same defendants, is currently pending before this Court (the "Demand
10 Futility Action");

11 WHEREAS, on September 21, 2011, this Court issued an order relating, but not
12 consolidating, the Demand Refused Action and Demand Futility Action ("Related Actions");

13 WHEREAS, on October 4, 2011, this Court entered an order approving the parties'
14 stipulation requesting a stay of the Demand Refused Action for at least 60 days (the "Stay
15 Order"). The Stay Order provided that: (i) the parties would use their best efforts to coordinate
16 activity in the Demand Futility and Demand Refused Action; (ii) the parties would provide the
17 Court with status updates every 90 days while the Demand Refused Action remained stayed; and
18 (iii) Plaintiff could, upon written notice, notify Defendants of his intention to lift the stay and
19 proceed with the action;

20 WHEREAS, on January 3, 2012, pursuant to the Stay Order, the parties submitted a joint
21 status report, informing the Court of developments in the Demand Futility Action and requesting
22 that the stay remain in place;

23 WHEREAS, on March 28, 2012, Plaintiff submitted a status report informing the Court
24 of certain events and notifying Defendants and the Court of Plaintiff's intent to lift the stay of the
25 Demand Refused Action;

26 WHEREAS, the parties intend to participate in a mediation on June 5, 2012; and
27
28

1 WHEREAS, the parties agree that the interests of judicial economy will best be served by
2 a further stay of the litigation in the Demand Refused Action to allow the parties to focus their
3 efforts on settlement discussions assisted by a private mediator;

4 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between Plaintiff and
5 Defendants, by and through their undersigned counsel, subject to the Court's approval:

6 1. The parties shall participate in a private mediation before the Hon. Dickran
7 Tevrizian (Ret.) on or about June 5, 2012, in San Francisco, California.

8 2. The Demand Refused Action, including all proceedings and deadlines, shall be
9 stayed while the parties explore settlement of the Related Actions via private mediation.

10 3. Any party may lift the stay at any time by providing written notice to the other
11 parties and the Court.

12 4. Upon the lifting of the stay, Plaintiff shall have 30 days to either amend his
13 complaint or give notice to Defendants that the original complaint shall remain the operative
14 complaint. Defendants shall respond to the complaint within 45 days after service of an
15 amended complaint or notice regarding the operative complaint. In the event that Defendants
16 file any motion directed at the amended or operative complaint, Plaintiff's opposition shall be
17 filed within 45 days of any such motion, and any reply brief shall be filed within 21 days of the
18 opposition.

19 5. As long as this action is stayed, the parties will file with the Court, at least every
20 90 days, a brief update of the status of this action, including an update on the parties' mediation
21 efforts and whether the stay of this Action should be continued.

22 Dated: April 6, 2012

Respectfully submitted,

23 ROBBINS UMEDA LLP
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Dated: April 6, 2012

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George H. Conrades, and Oracle Corporation

*I, Kevin A. Seely, am the ECF user whose ID and password are being used to file this
STIPULATION AND [PROPOSED] ORDER TO STAY ACTION DURING PENDENCY OF
MEDIATION EFFORTS. In compliance with General Order 45, X.B., I hereby attest that Philip
T. Besirof has concurred in this filing.*

*** * * ORDER * * ***

PURSUANT TO STIPULATION, IT IS SO ORDERED.

4/9/12

DATED



HONORABLE RICHARD SEEBORG
U.S. DISTRICT JUDGE

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